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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [IS](#)
SUBJECT: ISRAEL -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. (A) STATE 59732
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Israel of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Israel and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Israel of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Israel,s country narrative in the 2009 TIP Report:

ISRAEL (TIER 2)

Israel is a destination country for men and women trafficked for the purposes of forced labor and sexual exploitation. Low-skilled workers from China, Romania, Turkey, Thailand, the Philippines, Nepal, Sri Lanka, and India migrate voluntarily and legally to Israel for contract labor in the construction, agriculture, and health care industries. Some, however, subsequently face conditions of forced labor, including the unlawful withholding of passports, restrictions on movement, non-payment of wages, threats, and physical intimidation. Many labor recruitment agencies in source countries and in Israel require workers to pay recruitment fees ranging from \$1,000 to \$10,000) a practice that makes workers highly vulnerable to trafficking or debt bondage once in Israel. Women from Russia, Ukraine, Moldova, Uzbekistan, Belarus, and China are trafficked to Israel for forced prostitution, often by organized crime groups across the border with Egypt. Israeli women are trafficked within the country for commercial sexual exploitation, and small numbers are reportedly trafficked to Ireland and the United Kingdom.

The Government of Israel does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Israel continued law enforcement actions against sex trafficking and provided victims of sex trafficking with shelter and protection assistance. Although the government filed its first indictment for forced labor under its anti-trafficking law in 2008, it did not obtain the conviction of any employer or recruitment agent for labor trafficking offenses. In addition, the government did not provide the majority of forced labor victims with adequate protection services, such as appropriate shelter or medical and psychological services. Extending protection services to all victims of trafficking identified in Israel, and improving identification of victims of labor trafficking and internal trafficking would enhance Israel,s anti-trafficking response.

Recommendations for Israel: Significantly increase prosecutions, convictions, and sentences for forced labor offenses, including the unlawful practice of withholding passports as a means to keep a person in a form of labor or service; increase investigations, prosecutions, and punishments of internal trafficking for commercial sexual exploitation; and extend comprehensive protection services to victims of forced labor.

Prosecution

The Government of Israel increased its efforts to investigate cases of forced labor during the reporting period, while its prosecution of sex trafficking offenses and conviction of sex trafficking offenders declined. Israel prohibits all forms of human trafficking through its Anti-Trafficking Law of 2006, which prescribes penalties of: up to 16 years, imprisonment for sex trafficking of an adult; up to 20 years, imprisonment for sex trafficking of a child; up to 16 years, imprisonment for slavery; and up to seven years, imprisonment for forced labor. These penalties are sufficiently stringent and commensurate with those prescribed

for other grave crimes. In 2008, the government investigated nine cases of alleged sex trafficking, filed six indictments, and obtained the convictions of six individuals) 32 fewer than last year) with sentences ranging from four months, to seven years, imprisonment and fines. In addition, 12 prosecutions for sex trafficking remained in process, and eight cases awaited appeals. In March 2009, the government indicted eight men on charges of trafficking Eastern European women to Israel over a six year period for the purpose of forced prostitution. During the year, the government opened 24 investigations into cases of forced labor and 48 into the unlawful withholding of migrant workers, passports; it filed its first indictment for forced labor under the trafficking law in November 2008. Police, however, did not initiate any investigations into the trafficking of Israeli citizens within the country and generally did not recognize trafficked Israeli women as such. In 2008, the government requested the assistance of three foreign governments in conducting international trafficking investigations.

Protection

The government continued to improve its protection of trafficking victims over the reporting period, though protective services available to victims of forced labor and internal trafficking remained limited. The government supervised and funded a local NGO's operation of a shelter for foreign victims of sex trafficking, allocating \$1.25 million for operations, security, and medical care in 2008. During the year, the shelter assisted 44 women, 12 of whom were referred by the police. Victims in this shelter received medical treatment, psychiatric and social services, stipends, temporary residency, and work permits. Local observers, however, continued to report the shelter's reluctance to accept trafficked women with children, and that victims outside the shelter could not access medical or psychological care unless they first paid for insurance. The government employed formal procedures to identify victims of sex trafficking and refer them to the shelter or other NGO facilities; these victims were not punished for acts committed as a direct result of their being trafficked. The government made protective services available for the first time to Israeli victims of sex trafficking at the end of the reporting period. In December 2008, the Ministries of Health and Social Affairs launched a \$2.5 million project to assist Israeli females engaged in prostitution, include trafficking victims, resulting in the opening of emergency apartments in Tel Aviv and Haifa, establishment of a hotline, and operation of a mobile clinic; while 70 women benefited from these services, none were identified as trafficking victims.

Israel lacked a specific shelter for victims of labor trafficking, but government authorities referred six female victims of forced labor to the aforementioned shelter during the reporting period. In 2008, the Ministry of Social Affairs solicited bids for the creation of three facilities for labor trafficking victims) a shelter for women, a shelter for men, and three short-term apartments) and selected an NGO to operate them. In May 2008, the Committee of Directors General approved and disseminated to relevant government entities and NGOs procedures to identify labor trafficking victims. NGOs reported, however, that the guidelines were not implemented and the Detention Tribunal that reviews immigration violation cases continued to misclassify labor trafficking cases on a regular basis, resulting in the detention and deportation of many victims. In July 2008, the Ministry of Interior published procedures for granting temporary visas to victims of slavery and forced labor; the government issued temporary visa extensions for 27 sex trafficking victims and 17 forced labor victims in 2008. In February 2008, an inter-ministerial committee launched a new system for licensing nursing recruitment agencies and employing foreign caregivers in Israel that allows workers who legally entered the country to obtain alternate employment if they lose or chose to leave their first job; no licenses of abusive employers have been revoked since the new system came into place, though there have been reports of abusive employers over the last year. In November 2008, the

Knesset passed Legal Aid Law (Amendment 9) granting free legal aid to victims of trafficking and slavery. In February 2009, the Minister of Justice signed Penal Regulations 5769-2009, making it possible to distribute property and funds confiscated from trafficking offenders to victims, NGOs, and government agencies to assist victim rehabilitation programs.

Prevention

The Israeli government made efforts to prevent trafficking in persons during the reporting period. The National Coordinator for Anti-Trafficking Efforts provided lectures on trafficking to army units, city and municipality workers, students, and social workers. In addition, the Authority for the Advancement of Women, the Ministry of Education, the State Attorney's Office, and the Ministry of Justice's Legal Aid Branch sponsored anti-trafficking seminars, conferences, and lectures throughout the country. The government distributed a labor rights brochure to foreign workers arriving at the Ben Gurion Airport and a second brochure to foreign construction workers throughout the year.

To reduce the demand for commercial sex acts within Israel, the Knesset drafted, but has not yet passed, a private bill in 2008) The Prohibition of the Use of Paid Sexual Services Law) calling for the criminalization of clients of the sex industry; the bill prescribes punishment of six months, imprisonment or an education program for first-time offenders. The National Coordinator convened a series of meetings with NGOs, academics, and government officials to examine the bill; its passage has been delayed one year to allow for further study and intensive public education campaigns on the subject.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year.

Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau,s EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: What progress has Israel made in the past year?

A: Israel continued to pursue law enforcement activities against sex trafficking and provide victims of sex trafficking with shelter and protection assistance. In 2008, the government investigated nine cases of alleged sex trafficking, filed six indictments, and convicted six individuals with sentences ranging from four months, to seven years, imprisonment and fines. The government filed its first indictment for forced labor under its anti-trafficking law in 2008.

Q2: What can Israel do to further the fight against trafficking in persons?

A: Though the government filed its first indictment for forced labor during the reporting period, it did not criminally prosecute or convict any employer or recruitment agent of labor trafficking offenses. In addition, it did not provide the majority of forced labor victims with adequate protection services, such as appropriate shelter or medical and psychological services. To advance its anti-trafficking efforts, the Government of Israel could: Significantly increase prosecutions, convictions, and sentences for forced labor offenses, including the unlawful practice of withholding passports; increase investigations, prosecutions, and punishments of internal trafficking for commercial sexual exploitation; and extend comprehensive protection services to victims of forced labor.

¶12. The Department appreciates posts, assistance with the preceding action requests.

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